

Brett D. Ekins (SBN 194736)
JONES WALDO HOLBROOK & MCDONOUGH
301 N. 200 E., Suite 3A
St. George, UT 84770
Telephone: (435) 986-2124
Facsimile: (435) 628-5225
bekins@joneswaldo.com

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

ALPHA ONE TRANSPORTER, INC., a California
corporation, and AMERICAN HEAVY MOVING
AND RIGGING, INC., a California corporation,

Plaintiffs,

v.

PERKINS MOTOR TRANSPORT, INC. d/b/a
PERKINS SPECIALIZED TRANSPORTATION,
a Minnesota corporation,

Defendant.

Case No. **'13CV2662 JAH NLS**

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

Plaintiffs Alpha One Transporter, Inc. ("Alpha One") and American Heavy Moving and Rigging, Inc. ("AHM"), for their complaint against defendant Perkins Motor Transport, Inc. d/b/a Perkins Specialized Transportation ("Perkins") allege as follows:

THE PARTIES

1. Alpha One is a corporation organized and existing under the laws of the State of California with its principal place of business at 11532 East End Avenue, Chino, California.
2. AHM is a corporation organized and existing under the laws of the State of California with its principal place of business at 11532 East End Avenue, Chino, California.
3. Perkins is a corporation organized and existing under the laws of the State of

1 Minnesota with its place of business at 1800 Riverview Drive, Northfield, Minnesota.

2 **JURISDICTION AND VENUE**

3 4. This action arises under the patent laws of the United States, 35 U.S.C. § 1 *et seq.* This
4 Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5 5. This Court has personal jurisdiction over Perkins in that Perkins has used, and
6 continues to use, in California its “Road Train” trailer, and otherwise conducts substantial and regular
7 business in California.

8 6. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b).

9 **GENERAL ALLEGATIONS**

10 7. Since 1981, AHM has built and operated transport systems capable of hauling heavy
11 loads such as transformers, cranes, boats, buildings, industrial equipment and other heavy objects via
12 freeways from one location to another.

13 8. Transport systems traditionally used by AHM and others to haul heavy loads over
14 roadways in the United States have several significant disadvantages. Among other things, they are
15 unable to sustain speeds in excess of fifteen (15) miles per hour on the freeway; they are practically
16 unable to move in reverse; and they are unable to navigate significant turns without stopping and
17 manually turning the axles.

18 9. At least as early as 1999, Earl Sutton, founder and President of AHM, conceived of a
19 new and improved heavy haul transporter (the “AHM Trailer”) that would solve the problems
20 associated with traditional transporters then in use. As conceived by Sutton, the AHM Trailer would
21 be capable of traveling on freeways at high speeds, moving in reverse, and navigating significant
22 turns without stopping and manually turning the axles, all the while meeting the axle spacing
23 requirements imposed by California and other Western states for freeway travel. No existing heavy
24 haul transport system in use in the United States had these capabilities.

25 10. AHM designed and built the AHM Trailer over the course of 2001 and 2002. The
26 AHM Trailer hauled its first load in October 2002, and has since successfully hauled more than 2,000
27 loads.

28 11. The United States Patent and Trademark Office issued several patents to AHM and/or

AHM's assignee, Alpha One, in connection with the AHM Trailer, including, on April 23, 2013, United States Patent No. 8,424,897 (the "'897 patent"), entitled "Dual Lane Multi-Axle Transport Vehicle". A true and correct copy of the '897 patent is attached hereto as Exhibit A.

12. Perkins' Road Train trailer infringes one or more claims of the '897 patent.

13. Perkins has used its Road Train trailer within this District.

FIRST CLAIM FOR RELIEF
Infringement of '897 Patent

14. Plaintiffs repeat and reallege the allegations of paragraphs 1 through 13 as if fully set forth herein.

15. Alpha One is the owner of the '897 patent. AHM is the licensee of the '897 patent. Both Alpha One and AHM have the right to sue for infringement of the '897 patent.

16. Perkins has infringed and continues to infringe the '897 patent by using within the United States its Road Train trailer.

17. Perkins' infringement has been willful and deliberate, without license, and with full knowledge of Plaintiffs' patent rights.

18. Plaintiffs have suffered and continue to suffer damages, irreparable harm, and impairment of their patent rights as a direct result of Perkins' infringement.

19. Plaintiffs are entitled to recover from Perkins damages sustained as a result of Perkins' infringement in an amount to be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray:

A. For a judgment holding Perkins liable for infringement of the '897 patent;

B. For permanent injunctive relief enjoining Perkins, its officers, agents, servants, employees and attorneys and all other persons in acts of concert or participation with it from further infringement of the '897 patent;

C. For an award of damages in an amount adequate to compensate Plaintiffs for Perkins' infringement, and for a trebling of such damages in view of the willful and deliberate nature of the infringement pursuant to 35 U.S.C. § 284;

1 D. For an award of costs and expenses incurred in this action, including reasonable
2 attorney's fees under 35 U.S.C. § 285;

3 E. For an award of prejudgment interest on the amount of damages found; and

4 F. For such other and further relief as the Court may find equitable, just and proper.

5 **DEMAND FOR A JURY TRIAL**

6 Plaintiffs demand a jury trial on all issues so triable.

7 DATED this 5 day of November, 2013.

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10 Brett D. Ekins (SBN194736)
11 Attorneys for Plaintiffs
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